

At An Audit Meeting / Work Session
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 25th day of February, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
Derek N. Benedict, Councilman\
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

1. Pledge of Allegiance to the Flag led by Darrell Benedict, Highway Superintendent

2. Additional Items For Discussion From Board Members

11. a. Announcement

12. Schedule Time & Place for Management Contract

13. Old Business

a. Mrs. Rounds Sewer Bill

b. Town Hall Expansion

c. Master Plan

3. Approval of Audit

MOTION was made by Councilman Benedict to approve the audit as presented in the amount of \$2,489,010.35, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

4. Highway: Jennifer Rose Way (Private Road to Town Road)

Tabled at this time.

5. Code Compliance: Wheelchair Ramp Exemption

This was brought up at the last meeting. It was recommended by the Board that we make a zoning change exempting the single family attached dwelling wheelchair ramp from zoning. We were looking for some kind of mechanism for safety and Gerald Canfield, Code Compliance Supervisor, felt the ramp should be 10 feet from the edge of the property. We need to schedule a Public Hearing on this local law.

MOTION was made by Councilman Manley to set the Public Hearing for the Wheelchair Ramp Exemption for April 5, 2004 at 7:00 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

6. Animal Control: T-93 Account Expenditure

This is a request from Mary Meyer, Animal Control Supervisor, to utilize the T-93 account for cats and kittens. The amount for these veterinarian bills are \$151.00.

There will be \$3168.59 left in the account after this is taken out.

MOTION was made by Councilman Manley to utilize the T-93 account in the amount of \$151.00 to pay for veterinarian bills, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

7. Data Processing: Town Hall Networking Equipment

This is a request from Derek Benedict to approve the use of the Computer Reserve Fund to pay for networking equipment that was purchased for Town Hall. This would get the accountant, personnel, and the Supervisor online. To get Town Hall online, we would only need one more piece of equipment. There are three levels of security. The physical security: wherever the equipment is you lock the door. There is computer security, where you have to put a password in. Third level is network security, where it recognizes you as a user / password, but there are limitations and this is set up by the network administrator. There will be no concern about someone getting into our tax records from either outside or inside. We have a fire wall and switches but we also have domain control. Councilman Woolsey would like to invite the department heads to the next Audit meeting to go over this. Right now we need to get personnel and accounting on the internet. The equipment cost \$2800.00 but Tom Masten, Data Processing, would like the approval to be in the amount of \$3000.00 in case wiring needs to be done.

MOTION was made by Councilman Manley to approve the use of the Computer Reserve Fund in the amount of \$3,000.00, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

At this time we went back to #4, Mr. Markisello joined the meeting.

4. Jennifer Rose Way

Jim Osborne, Town Engineer, explained there are two ways to proceed. The first is to improve the road to Town Road Specs, but according to Mr. Markisello's letter, that does not seem to be an option. The second option is the Town Board will undertake the construction / improvements of the road and create a Road Improvement District which the properties on that road would pay an extra amount in their taxes over a 15 year time period. The only things that we need is 100 per cent cooperation from the property owners and we need the banks that have interest in the properties to sign off pieces of the property. It's an all or nothing proposition. Mr. Osborne suggested hiring an Engineer and look at the costs to bring it up to Town Road Specs and he would need to prepare an engineering report outlining these costs and delineate the cost per house for the bonded cost for that improvement. That report is the basis for you to sign a petition to present to the Board for the Road Improvement District. Mr. Markisello said he will go back to the committee with this information and will get in touch with Mr. Osborne on their decision. Mr. Osborne asked Mr. Markisello to call him on Friday and he will provide him with some Engineer's names.

8. Deferred Compensation: Contract Bid

Supervisor Booth said we need to form a committee to review other proposals. A representative from the Union, PBA, Town Board, Retirees and Management should be involved. The representatives should be the president of the Union, president of the PBA, George Woolsey for the retirees, Jim Manley from the Board and Jackie Calarco, Town Accountant, for Management. This way, she can report back to management. A letter should be sent out to each member for their input or suggestions they might have and to get back to the committee by a certain time.

MOTION was made by Councilman Benedict to form the Deferred Compensation committee, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

9. Zoning: Land Master Proposed Zoning Change (IB to R3)

Ross Winglovitz is the representative from Landmasters Community Builders regarding a petition filed in June or July of last year regarding a map change for a parcel that is currently zoned IB and was zoned IB due to a previous petition in the mid 1990's. We want to petition it back to R3. Mark Taylor, Attorney for the Town, asked us to file fees, which we did. We had a brief meeting in September and since

then we have been pursuing this. The property is surrounded by R3 and we would like any feedback from the Board in reference to this. Supervisor Booth explained this parcel was changed from R3 to IB, Local Law # 3 of 2000. It is a land locked parcel. This is part of the Polo Club project. If this change does not go through, then the project can not go through. Supervisor Booth explained that this project at their cost is proposing a sewer lateral up through Jeannie Drive. Mr. Winglovitz explained that they will commit to Jeannie Drive and will pay a million or so dollars in connection fees, as well as putting in the sewer line. Councilman Woolsey would like everything in place including the size of the sewer line. Mr. Winglovitz said that was not a problem, they can put it into the petition. Supervisor Booth explained that this project is a reason the Board would like to bring in Saccardi & Schiff, Planners, at the expense of the developer, to get their input on this. Mark Taylor, Attorney for the Town, explained that when they changed the zoning with these two parcels, they required there be an one hundred foot buffer on those parcels. There is large area that cannot be used for storage, parking or loading. As for Councilman Woolsey's concern of the size of the sewer line, we can not formally accept anything until the Sewer Moratorium is over. Mr. Winglovitz explained that when they filed the petition the last time they also requested to be considered as an outside user agreement in accordance to the common practice of the Town for these parcels. There would be a fee of \$3500.00 per unit. The next step is for our attorney to come up with a mechanism in reference to the sewer offer being irrevocable. Mr. Winglovitz said he will have their attorney get in touch with Mark Taylor, Attorney for the Town.

10. Planning Board:

a. Brighton Green Drainage Easement

Mr. Winglovitz and Darrel Benedict, Highway Superintendent were asked to come forward for this item. This project is on Meadow Hill Road, east of Sylcox Nursing Home. Councilman Woolsey explained that he sat through the Planning Board meeting on this project and drainage came up. He feels the information that was brought forward was not correct. Mr. Woolsey explained that he knows of problems in that area already, that we are overtaxing that area already. Mr. Woolsey said that Mr. Winglovitz had two points. One on Meadow Hill Road going down to the "brook", which is really a runoff from the pond down the hill and the other on Delaware Road. We need to correct this before it even starts. Mr. Winglovitz said a comment was made about an easement that the Town was acquiring for drainage improvements for something else. Mr. Osborne, Town Engineer, explained that there is a drainage project going on from Meadow Hill Road which is to start at approximately the front of Sylcox Nursing Home. We have not acquired those easements but we are going to attempt one more time before the leaves get too heavy. These easements are on Sycamore and Balsam, which are at the bottom of Meadow Hill Rd. We need to have Pat Hines, the Highway Superintendent and the Engineer and Mr. Winglovitz to meet. Councilman Woolsey would like Mark Taylor, Attorney for the Town, to draft a procedure / checklist so everyone does everything the same and put it into the Code.

b. Architectural Review Procedure

This is a letter from Michael Donnelly, Planning Board Attorney, to amend the Architectural Review Procedure. They would like architectural submissions submitted at the commencement of the process instead of at the end. Our Code right now says the application for review shall be made concurrent with the application of the final subdivision site approval. The current Planning Board feels that the design and appearance are an important part of the site plan and should be included in the beginning. We would like the liaison to the Planning Board should talk to the Planning Board and Michael Donnelly and report back to the Town Board. If this does not work, then we could ask the Planning Board Chairman to come to one of meetings.

11. Engineering:**a. Announcement:**

This is an announcement from James Osborne, Town Engineer, that there will be a Zoning Sub Committee meeting on Saturday, February, 28, 2004, from 10:00 a.m. until 2:00 P.M.

b. Performance Security for Grande Vista Court Extension

This is a request from James Osborne, Town Engineer, to approve the Performance Security for Grande Vista Court Extension in the amount of \$18,375.00. This amount does not include the inspection fee of \$460.00.

MOTION was made by Councilman Piaquadio to approve the Performance Security for Grande Vista Court Extension in the amount of \$18,375.00, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

c. Sewer Moratorium Exemption: 10 Bellevue Road

This is a request from James Osborne, Town Engineer, to approve a hardship waiver for Jim Hawkins, 10 Bellevue Road. Based on inspection from our Sewer Department, their existing septic system is failing. This is a single family home.

MOTION was made by Councilman Woolsey to approve the hardship waiver for Jim Hawkins, 10 Bellevue Road, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

d. Sewer Moratorium Exemption: Spruce Avenue

This is a request from Thomas Gabrielle to install a dry line and private sanitation system at section 71, Lot 7 and block # 17.2. He intends to build a single family home on this property after his retirement. He is within the sewer district but does not want to wait for the sewer moratorium to come to an end. Jim Osborne, Town Engineer, said he needs to submit a plot plan, showing the dry sewer connection and the septic system are compatible in elevation. Then we will entertain this again. MOTION was made Councilman Woolsey to approve that this property owner be contacted and be told to get in touch with the Town Engineer and to bring this back to the Board, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

e. Colden Park Sewer District: Survey Option

Supervisor Booth explained how Jim Osborne, Town Engineer, came up with another option for the Colden Park survey. That option would be to consolidate with the Crossroads Sewer District. This option would defray the costs of the sewer line repairs. For example, the bonding cost for a \$700,000.00 bond over a combined Crossroads / Colden Park Sewer District would be \$13.00 for each single family home instead of \$220.00 for each Colden Park single family home. This would also benefit any future work on the Colden Park Sewer system. Councilman Manley asked if was fair for the Crossroads District to have to pick up Colden Park's many years of system failures. He would love to help Colden Park out but each Sewer District should be treated separately. Supervisor Booth said if you look at this long term, Colden Park is in the red, just like some other districts, if you had a catastrophic failure right now in Colden Park, the people in that district will have to pay solely. This is an opportunity to start the consolidation of districts. It is subject to permissive referendum to consolidate the districts. The disadvantage of this consolidation is Colden Park must share any debt service for the Crossroads Sewer District including any future extension of the district and the second City of Newburgh Plant expansion. Colden Park's share would be 6 percent today and would decrease as Crossroads expands. Also, Colden Park's ownership of the wastewater treatment plant property would revert to Crossroads. Councilman Woolsey would like to pick up more districts. Councilman Woolsey doesn't want this to fall to the way side. Supervisor Booth said this is up to us to go through with it. Councilman Woolsey said he knows

we can't do them all at once. Jim Osborne, Town Engineer explained that is why the survey is ranked (numbered).

MOTION was made by Councilman Piaquadio to approve this option as part of the survey, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – nay; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-1.

f. Homewood Avenue and Tighe Avenue Water Line Dedication

Mark Taylor, Attorney for the Town, explained this turned out to be an informational item, since we did not receive the maintenance security yet. This is a water line that was installed by Exxon Mobile on Homewood Ave. and Tighe Ave. As a result of a settlement because of the environmental conditions there it has been signed off by the Town Engineer and water Supply Superintendent. They will be offering it to the Town to take over. It is connected to the Town's water system, so it is appropriate for the Town to take it over. Once dedication is complete the homes will then connect to the water line. Hopefully next meeting we will have the Consent and Acceptance of dedication.

g. Crossroads Sewer District – Extension No. 1, Contract No. 4 Vouchers, Route 52 Trunk Line Vouchers, Plattekill Trunk Line Vouchers

Mark Taylor, Attorney for the Town, asked the audience for a courtesy to please leave.

MOTION was made by Councilman Manley to go into Executive Session at 9:33 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Piaquadio to return to the Audit / Work Session Meeting at 10:21 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Mark Taylor, Attorney for the Town, explained that with respect to added items 12 and 13, we will not discuss them tonight.

MOTION was made by Councilman Piaquadio to adjourn the Audit Meeting / Work Session at 10:25 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk